

EXHIBIT 1

2022-02777 BRENDA PALMER (vs) STEWARD SHARON REGIONAL MEDIC

Reference No.:		Filed.....:	11/07/2022
Case Type.....:	CONTRACT - EMPLOYMENT	Time.....:	1:43
Judgment.....:	.00	Execution Date	0/00/0000
Judge Assigned:	Not Found	Jury Trial....	
Disposed Desc.:		Disposed Date:	0/00/0000
----- Case Comments -----		Higher Crt 1.:	
		Higher Crt 2.:	

 General Index Attorney Info

PALMER BRENDA
 2276 MERCER WEST MIDDLESEX RD
 WEST MIDDLESEX, PA 16159

PLAINTIFF

N SANDERS NEAL A

STEWARD SHARON REGIONAL MEDICAL CDEFENDANT
 740 EAST STATE STREET
 SHARON, PA 16146

N HEANUE OSCAR
 BERARDINELLI DAVID J

 * Date Entries *

11/07/2022 FIRST ENTRY
 CAPTION: BRENDA PALMER VS STEWARD SHARON REGIONAL MEDICAL CENTER
 11/07/2022 COMPLAINT F/ATTY NEAL A SANDERS COPIES TO ATTY FOR SERVICE
 11/21/2022 ENTRY OF APPEARANCE ON BEHALF OF DEFT F/ATTY OSCAR HEANUE
 11/21/2022 ENTRY OF APPEARANCE ON BEHALF OF DEFT F/ATTY DAVID J. BERARDINELLI
 LAST ENTRY

 * Escrow Information *

Fees & Debits	Beg Bal	Pymts/Adj	End Bal
JCS/ATJ FEE	40.25	40.25	.00
COMPLAINT FILED	75.00	75.00	.00
TAX ON CMPLT	.50	.50	.00
DISC	7.50	7.50	.00
PRO AUTO FUND	5.00	5.00	.00
	128.25	128.25	.00

 * End of Case Information *

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

Mercer

County

For Prothonotary Use Only:

Docket No:

2022-2777

2022 NOV -7 PM 1:43

RUTH A. RICE

PROTHONOTARY

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons
☐ Transfer from Another Jurisdiction

- ☐ Petition
☐ Declaration of Taking

Lead Plaintiff's Name:

Brenda Palmer

Lead Defendant's Name:

Steward Sharon Regional Medical Center

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits
(check one)Is this a *Class Action Suit*? ☐ Yes ☒ NoIs this an *MDJ Appeal*? ☐ Yes ☒ NoName of Plaintiff/Appellant's Attorney: Neal A. Sanders, Esq.☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION A

SECTION B

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☒ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

IN THE COURT OF COMMON PLEAS OF
MERCER COUNTY, PENNSYLVANIA

FILED IN MERCER
COUNTY

2022 NOV -7 PM 1:43

Wet

BRENDA PALMER,

:

Civil Division

ROTH A. BICE
PROTHONOTARY

Plaintiff,

:

Civil Action No.

v.

:

COMPLAINT

STEWART SHARON REGIONAL MEDICAL
CENTER,

:

2022-2777

:

:

Defendant.

:

:

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing, in writing, with the Court, your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO, OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Mercer County Lawyers Referral Service
c/o Mercer County Bar Association
P.O. BOX 1302
Hermitage, PA 16148
Telephone: (724) 342-3111

COUNSEL FOR PLAINTIFF:

Neal A. Sanders, Esq.
LAW OFFICES OF NEAL A. SANDERS
262 South Water Street, Suite 200
Kittanning, Pennsylvania 16201
T (724) 919-8884
PA I.D. No.: 54618
lonas@earthlink.net

#128-25 pd

Copies to assy for service

**IN THE COURT OF COMMON PLEAS OF
MERCER COUNTY, PENNSYLVANIA**

BRENDA PALMER,	:	Civil Division
	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	COMPLAINT
	:	
STEWARD SHARON REGIONAL MEDICAL	:	FILED ON BEHALF OF:
CENTER,	:	Plaintiff, Brenda Palmer
	:	
Defendant.	:	
	:	Counsel of Record for This
	:	Party:
	:	Neal A. Sanders, Esquire
	:	PA ID No. 54618
	:	LAW OFFICES OF NEAL A.
	:	SANDERS
	:	262 South Water Street,
	:	Suite 200
	:	Kittanning, Pennsylvania 16201
	:	lonas@earthlink.net
	:	T (724) 919-8884

COMPLAINT

AND NOW, comes Plaintiff, Brenda Palmer, by and through her undersigned counsel,
and complains of Steward Sharon Regional Medical Center as follows:

PARTIES

1. Plaintiff, Brenda Palmer, is an individual citizen who currently resides at 2276 Mercer West Middlesex Road, West Middlesex, Pennsylvania 16159.

2. Defendant, Steward Sharon Regional Medical Center, is a hospital located in Sharon, Pennsylvania which offers a broad range of medical care. The Defendant has a principle place of business located at 740 East State Street, Sharon, Pennsylvania 16146.

**VENUE AND INFORMATION REQUIRED
BY LOCAL RULE OF COURT**

3. This action arises under the Pennsylvania Human Relations Act (PHRA), 43 Pa.C.S.A. § 951 *et seq.*, and the Family Medical Leave Act (FMLA), 29 U.S.C. § 2601 *et seq.*

4. Venue is proper in the Court of Common Pleas of Mercer County, Pennsylvania as all transactions and occurrences which gave rise to this action took place within Mercer County.

5. For the purposes of Rule L1301 of the Local Rule of Court regarding compulsory arbitration, the amount in controversy exceeds the sum of twenty-five thousand dollars (\$25,000.00).

**COUNT I
PHRA - Age Discrimination**

6. The Defendant is an employer within the meaning of the PHRA, 43 P.S. § 954(b), in that it employs four or more individuals within the Commonwealth of Pennsylvania.

7. At all times relevant hereto, Plaintiff, who was born in 1967, was a member of a class protected under the provisions of the PHRA by reason of her age.

8. Plaintiff was hired by Sharon Regional Medical Center in 1989 and continued with her employment after Steward Health Care System became the parent company of Sharon Regional Medical Center in May 2017.

9. In July 2019, Plaintiff was promoted to the position of Director of Emergency Services.

10. At all times relevant hereto, Plaintiff was qualified for the position of Director of Emergency Services. From the time she was promoted to this position through the present, Plaintiff possessed all objective qualifications for this position.

11. On August 6, 2021, Plaintiff was informed by Ms. Heater, Regional Chief Nursing Officer, and Ms. Novelli, Director of Human Resources, that Plaintiff's employment with the Defendant was being terminated.

12. On August 6, 2021, Plaintiff was told that her employment was being terminated due to unsatisfactory performance and violation of hospital policies.

13. Throughout her employment, Plaintiff had not received any unsatisfactory performance evaluations or been the subject of disciplinary action. The allegations of poor performance and violations of hospital policy were and are unsubstantiated and false.

14. Following Plaintiff's discharge, the Defendant hired an individual substantially younger than Plaintiff to replace her as Director of Emergency Services.

15. By reason of the foregoing, the Defendant, acting through its servants, agents and employees, discriminated against Plaintiff because of her age when it terminated her employment on August 6, 2021.

16. As the direct and proximate result of the Defendant's actions set forth above, the Plaintiff has suffered loss of wages, loss of retirement benefits, loss of insurance benefits, loss of other fringe benefits, loss of the opportunity to continue the gainful employ in which she had been engaged, loss of future earnings/ front pay, humiliation, embarrassment, loss of self-esteem, personal injury, and adverse health effects. Also seeking costs of litigation and lawyer fees.

17. On or about September 22, 2021, Plaintiff filed a charge alleging discrimination on the basis of disability and age with the Equal Employment Opportunity Commission (EEOC) and PHRC. More than a year has passed since this charge was filed with the PHRC and less than 2 years have elapsed since the PHRC closed its investigation. Plaintiff has exhausted her administrative remedies under the PHRA. See attached.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against the Defendant and award Plaintiff back pay, front pay, compensation for lost fringe benefits, and compensatory damages for humiliation, embarrassment, loss of self esteem and personal injury. Also seeking costs of litigation and lawyer fees.

COUNT II
PHRA - Disability Discrimination

18. Plaintiff incorporates by reference all averments and allegations from Paragraphs 1 through 17 as though the same were set forth herein at length and made a part hereof.

19. On June 17, 2021, Plaintiff sought treatment at the Defendant's emergency room because she had been experiencing chest pain, elevated heart rate and fatigue for three days.

20. Although no cardiac issues were found during the ER visit, testing showed that Plaintiff suffered from hyperthyroidism. Subsequent tests during the week of June 21, 2021 revealed that Plaintiff had a nodule on the left side of her thyroid.

21. When Plaintiff's hyperthyroidism is active, Plaintiff experiences extreme tachycardia, extreme fatigue, and joint pain. Accordingly, when Plaintiff's condition is active, she is substantially limited in all major life activities.

22. By reason of the foregoing, Plaintiff has a disability/handicap within the meaning of the PHRA.

23. Plaintiff could perform the duties of the Director of Emergency Services with accommodation, specifically the use of intermittent FMLA leave, which was granted by the Defendant.

24. On July 9, 2021, Plaintiff applied for, and was granted, continuous FMLA leave to seek treatment of her condition due to worsening symptoms.

25. On July 27, 2021, Plaintiff underwent a nuclear medicine thyroid scan and updated the Defendant concerning her treatment.

26. On August 6, 2021, while Plaintiff was still on FMLA leave, Ms. Heater and Ms. Novelli informed Plaintiff that her employment was being terminated due to alleged performance issues.

27. Plaintiff avers, based on knowledge, information and belief, that the individual who replaced her as Director of Emergency Services did not have any disabilities known to the Defendant.

28. By reason of the foregoing, the Defendant, acting through its servants, agents and employees, discriminated against Plaintiff because of her disability/handicap when it terminated her employment on August 6, 2021.

29. As the direct and proximate result of the Defendant's actions set forth above, the Plaintiff has suffered loss of wages, loss of retirement benefits, loss of insurance benefits, loss of other fringe benefits, loss of the opportunity to continue the gainful employ in which he had been engaged, loss of future earnings/ front pay, humiliation, embarrassment, loss of self-esteem, personal injury, and adverse health effects. Also seeking costs of litigation and lawyer fees.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against the Defendant and award Plaintiff back pay, front pay, compensation for lost fringe benefits, and compensatory damages for humiliation, embarrassment, loss of self esteem and personal injury. Also seeking costs of litigation and lawyer fees.

COUNT III
FMLA Retaliation

30. Plaintiff incorporates by reference all averments and allegations from Paragraphs 1 through 29 as though the same were set forth herein at length and made a part hereof.

31. On June 18, 2021, Plaintiff applied for, and was qualified to receive, intermittent leave under the FMLA for use when her hyperthyroid condition was active and/or for appointments, testing and procedures related to this condition.

32. Plaintiff's application for intermittent leave under the FMLA was granted by the Defendant.

33. During the week of June 21, 2021, Plaintiff informed Ms. Heater that Plaintiff had applied for intermittent FMLA leave and that it had been granted.

34. During the end of June 2021 and the beginning of July 2021, the symptoms of Plaintiff's condition became more severe.

35. On July 9, 2021, Plaintiff applied for continuous FMLA leave for the period of July 9, 2021 through October 15, 2022. On the same day, Plaintiff informed Ms. Heater and Ms. Novelli of the change in FMLA leave status.

36. On August 6, 2021, Ms. Heater and Ms. Novelli informed Plaintiff that her employment was being terminated based on unsubstantiated allegations of poor performance and violations of hospital policy.

37. By reason of the foregoing, the Defendant, acting through its agents, servants and employees, retaliated against Plaintiff for exercising her rights under the FMLA by terminating her employment.

38. As the direct and proximate result of the Defendant's actions set forth above, the Plaintiff has suffered loss of wages, loss of the opportunity to continue the gainful employ in which he had been engaged, and loss of future earnings/ front pay. Also seeking costs of litigation and lawyer fees.

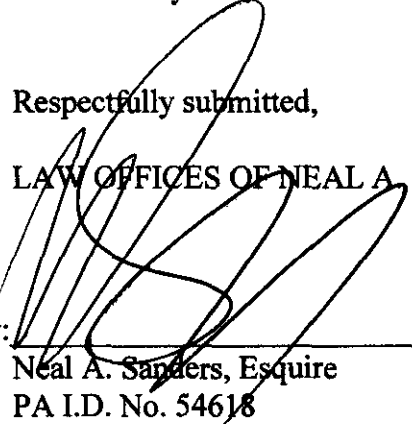
39. The Defendant willfully violated the FMLA such that the imposition of liquidated damages is appropriate.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against the Defendant and award Plaintiff back pay, front pay or reinstatement, and liquidated damages. Also seeking costs of litigation and lawyer fees.

Dated: Oct. 31, 2022

Respectfully submitted,

LAW OFFICES OF NEAL A. SANDERS,

By: 

Neal A. Sanders, Esquire
PA I.D. No. 54618
Counsel for Plaintiff,
Brenda Palmer

Law Offices of Neal A. Sanders
262 South Water Street, Suite 200
Kittanning, Pennsylvania 16201
lonas@earthlink.net

(T) 724- 919-8884
(F) 724-919-8903



LAW OFFICES OF
NEAL A. SANDERS

"Lawyers for employees in employment and litigation."



Neal A. Sanders*

Dirk D. Beuth

*Admitted Also In District of Columbia

262 South Water Street

Suite 200

Kittanning, Pennsylvania 16201

lonas@earthlink.net

Phone: 724.919.8884

Fax: 724.919.8903

October 27, 2021 (Fixed)

Pennsylvania Human Relations Commission
Pittsburgh Regional Office
Piatt Place, 301 5th Avenue
Suite 390
Pittsburgh, Pennsylvania 15222

**RE: Brenda Palmer vs. Steward Healthcare System - Sharon
Regional Medical Center**

- New Charge of Discrimination and Affidavit in Support
- Entry of Appearance of Neal A. Sanders, Attorney

Dear Intake Person:

Our law firm represents Brenda Palmer in the above referenced matter. Enclosed for filing please find the original Charge of Discrimination as well as an Affidavit executed by my client. Also enclosed is a copy of each document to be marked with the PHRC Charge Number and returned to me in the enclosed envelope. Finally, please enter my Appearance in your records as her attorney. Thank you.

Very truly yours,

LAW OFFICES OF NEAL A. SANDERS

By: _____
Neal A. Sanders, Esquire

NAS/cmb
Enclosure(s)
cc: Brenda Palmer

From: Neal Sanders

Sent: Wednesday, October 27, 2021 10:36 AM

To: PITTATTY

Cc: MARLEA J. APPEGATE

Subject: Brenda Palmer vs. Steward Healthcare System - Sharon Regional Medical Center - New Charge and New Affidavit of Discrimination

Marlea Applegate – EEOC Portal - Pittsburgh -

Attached is the new Charge and Affidavit on behalf of Brenda Palmer. We represent Brenda Palmer, the Charging Party.

Kindly Docket this new Charge.

Please notify our office of the new Charge Number.

Please cross file the new Charge with the PHRC.



Please place this new Charge in the Investigation Unit, not the Mediation Unit.

Neal Sanders,

Counsel to Charging Party, Brenda Palmer

Attachments

TRANSMISSION VERIFICATION REPORT

TIME : 10/27/2021 12:35

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
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MODE

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VERIFICATION

I, **Brenda Palmer**, swear that I am the Plaintiff in the within action and that the statements of fact made in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. §4904 relating to unsworn falsification to authorities.

Dated: 10/31/2022

Brenda Palmer
Brenda Palmer

IN THE COURT OF COMMON PLEAS
MERCER COUNTY, PENNSYLVANIA

BRENDA PALMER

Plaintiff,

v.

STEWARD SHARON REGIONAL
MEDICAL CENTER

Defendant

:
: Civil Action No. 2022-2777
:
:
:
:
: **ENTRY OF APPEARANCE**
:
: Filed on behalf of:
: Steward Sharon Regional Medical Center
:
:
:
: Oscar Heanue, PA ID No. 332335
: DEFOREST KOSCELNIK & BERARDINELLI
: 436 Seventh Avenue, 30th Floor
: Pittsburgh, PA 15219-1831
: berardinelli@deforestlawfirm.com
: (412) 227-3100
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IN IN THE COURT OF COMMON PLEAS
MERCER COUNTY, PENNSYLVANIA

BRENDA PALMER

Plaintiff,

v.

STEWARD SHARON REGIONAL
MEDICAL CENTER

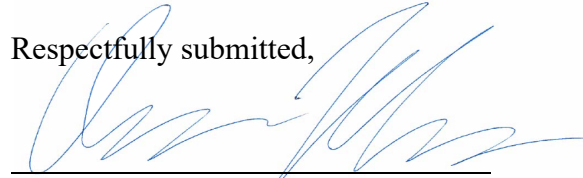
Defendant

:
: Civil Action No. 2022-2777
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ENTRY OF APPEARANCE

Please enter the appearance of Oscar Heanue of DeForest Koscelnik & Berardinelli on
behalf of Defendants STEWARD SHARON REGIONAL MEDICAL CENTER.

Respectfully submitted,



Dated: November 16, 2022

Oscar Heanue, PA ID No. 332335
DEFOREST KOSCELNIK & BERARDINELLI
436 Seventh Avenue, 30th Floor
Pittsburgh, PA 15219-1831
(412) 227-3100

*Counsel for Defendant
Steward Sharon Regional Medical Center*

CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



Oscar Heanue, PA ID No. 332335
DEFOREST KOSCELNIK & BERARDINELLI
Koppers Building, 30th Floor
436 Seventh Avenue
Pittsburgh, PA 15219
Phone: 412-227-3100
Email: berardinelli@deforestlawfirm.com

Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing ENTRY OF APPEARANCE was served upon all parties of record via U.S. Mail, postage pre-paid, this 16th day of November, 2022:

Neal A. Sanders, Esq.
LAW OFFICES OF NEAL SANDERS
262 South Water Street, Suite 200
Kittanning, PA 16201



Oscar Heanue

IN THE COURT OF COMMON PLEAS
MERCER COUNTY, PENNSYLVANIA

BRENDA PALMER

Plaintiff,

v.

STEWARD SHARON REGIONAL
MEDICAL CENTER

Defendant

:
: Civil Action No. 2022-2777
:
:
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:
: **ENTRY OF APPEARANCE**
:
: Filed on behalf of:
: Steward Sharon Regional Medical Center
:
:
:
: David J. Berardinelli, PA ID No. 79204
: DEFOREST KOSCELNIK & BERARDINELLI
: 436 Seventh Avenue, 30th Floor
: Pittsburgh, PA 15219-1831
: berardinelli@deforestlawfirm.com
: (412) 227-3100
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IN IN THE COURT OF COMMON PLEAS
MERCER COUNTY, PENNSYLVANIA

BRENDA PALMER

Plaintiff,

v.

STEWARD SHARON REGIONAL
MEDICAL CENTER

Defendant

:
: Civil Action No. 2022-2777
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ENTRY OF APPEARANCE

Please enter the appearance of David J. Berardinelli of DeForest Koscelnik & Berardinelli
on behalf of Defendants STEWARD SHARON REGIONAL MEDICAL CENTER.

Respectfully submitted,

Dated: November 16, 2022

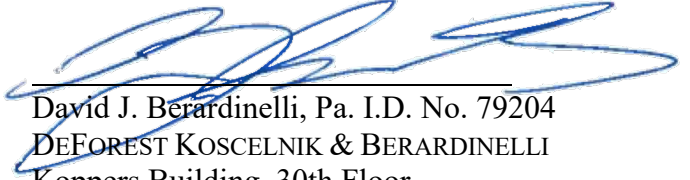


David J. Berardinelli, PA ID No. 79204
DEFOREST KOSCELNIK & BERARDINELLI
436 Seventh Avenue, 30th Floor
Pittsburgh, PA 15219-1831
(412) 227-3100

*Counsel for Defendant
Steward Sharon Regional Medical Center*

CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



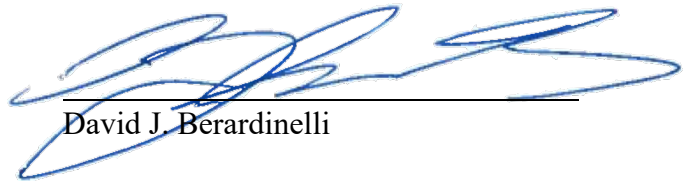
David J. Berardinelli, Pa. I.D. No. 79204
DEFOREST KOSCELNIK & BERARDINELLI
Koppers Building, 30th Floor
436 Seventh Avenue
Pittsburgh, PA 15219
Phone: 412-227-3100
Email: berardinelli@deforestlawfirm.com

Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing ENTRY OF APPEARANCE was served upon all parties of record via U.S. Mail, postage pre-paid, this 16th day of November, 2022:

Neal A. Sanders, Esq.
LAW OFFICES OF NEAL SANDERS
262 South Water Street, Suite 200
Kittanning, PA 16201



David J. Berardinelli